IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 3338 of 2002

03.08.2005

Between:

C.Anantasagar, S/o. Late Sivaram, Indian,

..... PETITIONER

AND

The Commissioner of Sanga Reddy Municipality,
Medak District at Sanga Reddy.

.....RESPONDENT

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THE HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.3338 OF 2002

O R D E R:

This writ petition is filed challenging the impugned notice dated 12.02.2002 issued by the respondent-Municipality directing the petitioner to remove the encroachment upon Municipal site within three days of the notice, failing which, the encroachment would be removed departmentally without issuing any further notice and the expenditure incurred for the removal would be recovered from the petitioner under Section 360 and 361 of the A.P. Municipalities Act, 1965.

The petitioner contends that he has not encroached the Municipal site and he is paying the assessment fee including tax to the Municipality since more than 30 years.

Heard the learned counsel for the petitioner and the learned counsel for the respondent-Municipality.

It is admitted by the petitioner that he has not offered any explanation to the impugned notice and straight away approached this Court by way of filing this writ petition. Hence, I deem it appropriate to direct the petitioner to submit his explanation to the above said show cause notice within a period of four weeks from the date of receipt of a copy of this order and thereafter, the respondent-Municipality is directed to consider the explanation submitted by the petitioner and pass appropriate orders in accordance with law. Till such time, the respondent-Municipality is directed not to take any coercive steps to disturb the possession and enjoyment of the petitioner.

Accordingly, the writ petition is disposed of. No order as to costs.

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03.08.2005

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